IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO. 1382 OF 2002.

Richard Joseph D'souza. ..Plaintiff.

VERSUS.

Alfred Michael Arambhan. ..Defendants.

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Ms. Padmaja Dholkia i/b M/s. Dholkia Gupte & Co.,
for the plaintiffs.

None for the defendants.

Coram: V.M.KANADE, J.
Date: 30th August, 2004.

P.C.

1. By order dated 2nd April 2004, this court had granted a conditional leave to defend the suit to the defendants with a direction to deposit Rs.16.50 lacs within a period of six weeks from the date of the order. Further liberty was given to the defendants to withdraw the amount upon furnishing adequate security. In spite of conditional order, the said amount has not been deposited till today. The counsel for the plaintiff has furnished Non Deposit Certificate, issued by the Prothonotary & Senior Master of this court, which is taken on record. Under the circumstances, the plaintiff is entitled for a decree in terms of the prayer clause, in view of the provisions of Order-XXXVII Rules- 3 & 5 of the Code of

Civil Procedure. The plaintiff shall be entitled to the refund of court fees as permissible under the rules.

. All concerned to act on an ordinary copy of this order duly authenticated by the Associate of this Court.

(V.M.KANADE,J.)

/2004/